

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:24CR3049

vs.

ORDER

SERGIO DAVID JAIME-ZAZUETA,

Defendant.

This matter is before the Court on Defendant's Motion to Proceed In Forma Pauperis ("IFP") on Appeal. ([Filing No. 49](#).) Because Defendant has not informed the Court as to why he desires in forma pauperis status, his motion must be denied.

A proper request for authorization to proceed in forma pauperis must state "the nature of the action, defense or appeal and the affiant's belief that he is entitled to redress." [28 U.S.C. § 1915\(a\)](#). "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." [28 U.S.C. § 1915\(a\)](#). Therefore, a defendant seeking to appeal a conviction in forma pauperis must explain the legal basis of the appeal so the trial court can determine the appeal is made in "good faith." Because Defendant has not provided this information, his motion must be denied without regard to his financial status.

The Court notes, however, that in connection with his IFP motion, Defendant submitted an affidavit reflecting that he personally has no monthly income, but that his spouse has a monthly income of \$3,300. ([Filing No. 49](#).) The affidavit indicates Defendant is personally owed \$14,500 from "a person, business, or organization" and that Defendant's wife is owed \$10,800. The affidavit also indicates that Defendant and his wife have \$1,200 in savings. ([Filing No. 49](#).)

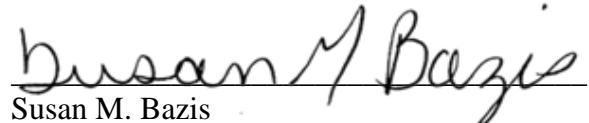
Further, the affidavit indicates Defendant will be paying his lawyer \$12,500 in fees. It is unclear, however, whether these fees were amounts paid previously, or additional fees that will be incurred specifically in connection with the appeal. From the information included in the affidavit, it appears to the Court that Defendant may have sufficient funds to pay the appellate filing fees. But the Court will reserve its conclusion as to this matter until such time as Defendant files a proper IFP motion.

Accordingly,

IT IS ORDERED that Defendant's Motion to Proceed In Forma Pauperis on Appeal ([Filing No. 49](#)) is denied without prejudice to reassertion.

Dated this 18th day of February, 2025.

BY THE COURT:



Susan M. Bazis
United States District Judge